HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed Emergency

Pursuant to the authority of 2009 Iowa Code Supplement section 29C.20A(2), the Department of Human Services amends Chapter 58, "Emergency Assistance," Iowa Administrative Code.

These amendments add a voucher system for the administration of benefits under the Iowa Disaster Aid Individual Assistance Grant Program as directed by the Iowa General Assembly.

Program rules have required that applicants for assistance first purchase the goods or services they need for disaster recovery and then present receipts for reimbursement. This requirement presents a barrier to applicants who have insufficient resources to make the purchases. Issuance of assistance through a purchase voucher to the seller of goods or services will enable applicants to replace or repair items without an initial outlay of funds.

These amendments require the county board of supervisors to designate a local administrative entity to administer a voucher system for issuing state individual disaster assistance to county residents. The designated entity must enter into a contract with the Department for determining eligibility of applicants, issuing vouchers to eligible applicants to purchase needed goods and services, and receiving from the Department reimbursement for the voucher purchases. There is no reimbursement for the administrative expenses of the local administrative entity.

These amendments do not provide for waivers in specified situations. Management of a voucher system for residents of a county affected by a disaster is best achieved locally.

The Council on Human Services adopted these amendments September 15, 2010.

In compliance with Iowa Code section 17A.4(3), the Department finds that notice and public participation are contrary to the public interest because the state has experienced recent disasters that have created an immediate need for this assistance.

The Department also finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that these amendments confer a benefit upon the disaster victims affected. Therefore, the normal effective date of these amendments is waived.

These amendments are also published herein under Notice of Intended Action as **ARC 9129B** to allow for public comment.

These amendments are intended to implement 2009 Iowa Code Supplement section 29C.20A as amended by 2010 Iowa Acts, House File 2294.

These amendments became effective on October 1, 2010.

The following amendments are adopted.

ITEM 1. Amend rule 441—58.2(29C) as follows:

441—58.2(29C) Program implementation.

58.2(1) *Disaster declaration.* The Iowa individual assistance grant program (IIAGP) shall be implemented when the governor issues a declaration of a state of disaster emergency ~~and~~ that authorizes individual assistance. The program shall be in effect only in those counties named in the declaration. Assistance shall be provided for a period not to exceed 120 days from the date of declaration.

58.2(2) *Voucher system.* To implement a voucher system for IIAGP, the county board of supervisors shall authorize a local administrative entity to administer the system.

   a. The local administrative entity may be, but is not limited to:

   (1) A local community organization active in disaster (COAD),

   (2) A local long-term recovery committee (LTRC),

   (3) A nonprofit organization,

   (4) A faith-based organization, or

   (5) A regional or statewide LTRC.

b. The local administrative entity shall enter into a contract with the department of human services using Form FA 09-15-2010, Fiscal Agent Contract. The contract shall specify the terms for the administration of IIAGP benefits through a voucher system.

ITEM 2. Amend rule 441—58.3(29C), introductory paragraph, as follows:

441—58.3(29C) Application for assistance. To request ~~reimbursement~~ assistance for disaster-related expenses, the household shall complete Form 470-4448, Individual Disaster Assistance Application, and submit it within 45 days of the disaster declaration to the county emergency management coordinator along with: (1) receipts for the claimed expenses, or (2) a request to participate in a voucher system.

ITEM 3. Amend rule 441—58.6(29C) as follows:

441—58.6(29C) Eligibility determination and payment.
58.6(1) The county emergency management coordinator or designee shall:
a. No change.
b. ~~Submit~~ If receipts are included, submit the household's application form and receipts to the Homeland Security and Emergency Management Division, Camp Dodge, Building W-4, 7105 NW 70th Avenue, Johnston, Iowa 50131. The envelope shall be marked "IIAGP application."
c. If the applicant requests to participate in the voucher system, forward the application to the local administrative entity for the county.
58.6(2) For applications with receipts:
a. The homeland security and emergency management division of the department of public defense shall:
~~*a.*~~ (1) Review the application.
~~*b.*~~ (2) Submit the household's application form and receipts to the DHS ~~Division of Results-Based Accountability~~ Office of the Deputy Director for Administration, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. The envelope shall be marked "IIAGP application."
58.6(3) *b.* Designated ~~disaster~~ staff in the department of human services shall:
~~*a.*~~ (1) Determine eligibility and the amount of payment.
~~*b.*~~ (2) Notify the applicant household of the eligibility decision.
~~*c.*~~ (3) Authorize payment to an eligible household.
~~*d.*~~ (4) Process appeals.
58.6(3) For applications with a voucher request:
a. The local administrative entity for the county shall:
(1) Determine eligibility and the amount of payment.
(2) Notify the applicant household of the eligibility decision.
(3) Authorize vouchers to an eligible household to purchase needed goods and services.
(4) Pay vendors for goods and services purchased with vouchers.
(5) Submit a claim to the department of human services for reimbursement for voucher purchases.
b. Designated staff in the department of human services shall:
(1) Process reimbursement to the local administrative entity for claims.
(2) Process appeals.

ITEM 4. Amend **441—Chapter 58**, Division I, implementation sentence, as follows:
These rules are intended to implement 2009 Iowa Code Supplement chapter 29C as amended by ~~2007~~ 2010 Iowa Acts, House File ~~896~~ 2294.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/6/10.